

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

RANDY G. SPENCER,

Plaintiff,

vs.

MISSOURI DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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Case No. 2:07CV00013 ERW

ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis on appeal [Doc. #17].

On March 1, 2007, this Court denied plaintiff leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g) in the instant case because he has previously had three or more cases dismissed as frivolous or for failure to state a claim. In addition, the Court gave plaintiff thirty days in which to pay the \$350 filing fee. On March 7, 2007, plaintiff filed a motion to reconsider, which the Court denied on March 9, 2007. On April 5, 2007, the Court dismissed this case. Because plaintiff may not proceed in forma pauperis because of his prior dismissals, the Court will deny him leave to proceed in forma pauperis on appeal and order him to pay the full \$455 appellate filing fee. See 28 U.S.C. § 1915(g).


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal [Doc. #17] is **DENIED** pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, plaintiff shall pay to this Court the full \$455 filing and docketing fees for filing an appeal. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

So Ordered this 20th Day of April, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE